

Variable	Mean	SD	Min	Max
Age	34.5	10.5	18	65
Gender	0.5	0.5	0	1
Marital status	0.5	0.5	0	1
Education	12.5	1.5	9	16
Income	15.5	5.5	10	25
Health status	1.5	0.5	1	2
Stress level	2.5	1.5	1	5
Life satisfaction	3.5	1.5	1	5
Work satisfaction	3.5	1.5	1	5
Family satisfaction	3.5	1.5	1	5
Community satisfaction	3.5	1.5	1	5
Overall satisfaction	3.5	1.5	1	5

In re application of	Marco STEIGER and David SUTER
Serial No.	
Filed	simultaneously
For	<b>Material Removing Tool</b>
Patent Examiner	Shantese McDonald
Group Art Unit	3723
Continuation-in-part of	Serial No. 09/123,759 filed July 27, 1998

Hon. Director of Patents  
and Trademarks  
Washington, D.C. 20231

This preliminary amendment is filed in response to the Official Action of April 24, 2001 in the parent application Serial No. 09/123,759 (Paper No. 4).

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R E M A R K S

The new claims 1, 2 and 3-14 are substantially co-extensive with the claims 15, 16 and 3-14 which were active in the parent application Serial No. 09/123,759. The claims 15-20 were not pending in the parent application.

All claims which are active in the present continuation-in-part application are believed to patentably distinguish over the disclosure in US patent No. 3,530,577 to Franklin et al. (hereinafter Franklin) because they recite that the tool (such as 11) has at least one at least substantially straight cutting edge. As applicants see it, the tool (such as 17) in the apparatus of Franklin does not have at least one straight cutting edge. In fact, the teaching of this reference leads away from the matter of the claims which are active in the present application. Thus, Figs. 1, 3 and 14 of Franklin show tools with pairs of teeth. Applicants believe that, in order to establish a straight cutting edge, a tool must have at least three teeth with tips contacting or closely adjacent a straight line. Fig. 11 of Franklin shows a tool with two discrete rounded (almost semicircular) material removing edges 27A, and Fig. 12 of the reference shows a "blunt faced, generally cylindrical implement 27B" (col. 7, lines 31-32), i.e., an implement which cannot have a straight or

substantially straight cutting edge. Therefore, applicants believe that all claims which are active in the present case patentably distinguish over the teaching of the Franklin reference.

Applicants believe that the formulation of claims 1-20 is in conformance with the decision by the CCPA in *In re Venezia* (189 USPQ 149).

A favorable Action on the merits of claims 1-20 at a reasonably early date is earnestly solicited.

Respectfully submitted,



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